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EXAMINER

DAYE, CHELCIE L

ART UNIT PAPER NUMBER

2161

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/607,718 | Applicant(s) ROWNEY ET AL. | |
| | Examiner Chelcie Daye | Art Unit 2161 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed October 2, 2006.
2. Claims 1-32 are presented. No claims added and none cancelled.
3. Claims 1-32 are pending.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 2, 2006 has been entered.

Claim Objections

5. Claim 32 is objected to because of the following informalities: The last line of claim 32 end with 2 (two) periods. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1,20, and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically newly amended claims 1,20, and 31, recite the newly amended limitation "independent personal computing device", which has new matter, therefore failing to comply with the written description requirement. It is unclear to the examiner as to what applicant's explanation of the term "independent" and exactly how it coincides with the personal computing device. Examiners definition of independent is free from external control and constraint. Since applicant has failed to provide any details within the specification of how to read the term "independent", examiner will give the newly amended limitation its broadest reasonable interpretation.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claims 1,17,20,28, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,20, and 31 recite an "independent personal computing device". Examiner is uncertain how applicant is ascertaining the meaning of the term "independent". Does applicant interpret an independent personal computing device as

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working without any outside assistance or does the applicant interpret the computing device as not being physically connected to another device. Further clarification is required.

Claims 17 and 28 recite the limitation "each volatile storage device" and "each persistent storage device". Examiner is unsure as to what "volatile storage device" and "persistent storage device" applicant is referring to, since there is no prior mention of such information. Therefore, there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-3,6-15,20-21,24-26, and 31-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon (US Patent No. 6,233,618) filed March 31, 1998, in view of Dascalu (US Patent No. 5,958,015) filed October 29, 1996.**

Regarding Claims 1,20, and 32, Shannon discloses a method comprising:

searching contents of a plurality of data storage media of a client device for pre-selected data (column 8, lines 2-12, Shannon)¹, the client device being an independent personal computing device (Fig.1; column 5, lines 45-50, Shannon); and

upon detecting at least a portion of the pre-selected data on any one of the plurality of data storage media of the client device (column 14, lines 26-29, Shannon). However, Shannon is silent with sending a notification of detection of the pre-selected data to a server via a network. On the other hand, Dascalu discloses sending a notification of detection of the pre-selected data to a server via a network (column 4, lines 41-50, Dascalu). Shannon and Dascalu are analogous art because they are from the same field of endeavor of restricting the access of specific clients to specific servers for specific data content. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Dascalu's teachings into the Shannon system. A skilled artisan would have been motivated to combine as suggested by Dascalu at column 1, lines 63-67, in order to provide a network device that offers access control at a particular level over a LAN and a WAN, without having to use conventional software security methods.

Regarding Claim 2, the combination of Shannon in view of Dascalu, disclose a method further comprising:

¹ Examiner Notes: Fig.1, items 203,204, and 208, corresponds to the "plurality of data storage media".

upon detecting at least a portion of the pre-selected data (column 14, lines 26-29, Shannon), preventing access to the detected data (column 14, lines 37-41, Shannon).

Regarding Claims 3 and 21, the combination of Shannon in view of Dascalu, disclose a method wherein the content is searched periodically (columns 9-10, lines 64-67 and 1, respectively, Shannon).

Regarding Claims 6 and 24, the combination of Shannon in view of Dascalu, disclose a method further comprising:

receiving instructions defining a scope of a search for the client device from the server (column 6, lines 28-47, Shannon).

Regarding Claim 7, the combination of Shannon in view of Dascalu, disclose a method wherein searching contents of a plurality of data storage media within a client device comprises:

receiving an abstract data structure² associated with the pre-selected data (column 8, lines 49-51, Shannon); and

Also, database 208 discloses a restricted destination database, which stores restricted categories in order to prohibit access by the client. The restricted categories are examples of the "pre-selected data".

² Examiner Notes: Table 3 is a form of an index data structure, which corresponds with abstract data structure.

utilizing the abstract data structure (column 8, lines 51-56, Shannon) when searching the contents of the plurality of data storage media of the client device for the pre-selected data (column 8, lines 2-12, Shannon).

Regarding Claims 8 and 25, the combination of Shannon in view of Dascalu, disclose a method wherein searching contents of a plurality of data storage media of the client device comprises monitoring one or more specific data operations (column 13, lines 23-34, Shannon) for presence of at least a portion of the pre-selected data (column 14, lines 26-29, Shannon).

Regarding Claims 9 and 26, the combination of Shannon in view of Dascalu, disclose a method wherein at least one of the one or more specific data operations is selected from the group consisting of a file-read, a file-write, a file-update (column 9, lines 27-31, Shannon), a read from a removable media device, a write to a removable media device, and access of data stored on any of the plurality of data storage media by a program running on the client device (column 12, lines 24-31, Shannon).

Regarding Claim 10, the combination of Shannon in view of Dascalu, disclose a method wherein the pre-selected data has a tabular format (column 8, Table 3, Shannon).

Regarding Claim 11, the combination of Shannon in view of Dascalu, disclose a method wherein the pre-selected data is capable of being re-structured into a tabular format based on relationships among elements of the pre-selected data (column 7, Table 2 and lines 58-64, Shannon).

Regarding Claim 12, the combination of Shannon in view of Dascalu, disclose a method wherein the pre-selected data is maintained by an organization in at least one of a spreadsheet, a flat file, and a database (column 8, lines 24-30, Shannon).

Regarding Claim 13, the combination of Shannon in view of Dascalu, disclose a method wherein the pre-selected data is associated with an abstract data structure comprising a tuple-storage structure³ derived from the pre-selected data (column 8, Table 3, Shannon).

Regarding Claim 14, the combination of Shannon in view of Dascalu, disclose a method wherein the abstract data structure comprises a plurality of tuples, each of the plurality of tuples including a row numbers of a data item in a corresponding cell of a tabular structure of the pre-selected data (column 8, Table 3 and lines 49-51, Shannon; wherein the plurality of tuples correspond to

³ Examiner Notes: The tuple-storage structure is Table 3 shown with numbered rows.

the multiple rows and also the rows within Table 3 are numbered which corresponds to the "including row numbers of a tabular structure").

Regarding Claim 15, the combination of Shannon in view of Dascalu, disclose a method wherein each of the plurality of tuples additionally includes a column number (column 8, lines 57-62, Shannon) and optionally a column type of the data item in the corresponding cell.

Regarding Claim 31, the combination of Shannon in view of Dascalu, disclose a client device comprising:

a plurality of storage media storing various data for the client device (column 8, lines 2-12, Shannon), the client device being an independent personal computing device (Fig.1; column 5, lines 45-50, Shannon); and

at least one processor coupled to the plurality of storage media (column 3, lines 54-58, Shannon), at least one processor executing a set of instructions which cause the processor to search contents of the plurality of data storage media (column 10, lines 2-6, Shannon) for pre-selected data (column 8, lines 2-12, Shannon), and to send a notification of detection of the pre-selected data from the client device to a server via a network (column 4, lines 41-50, Dascalu) upon detecting at least a portion of the pre-selected data on any of the plurality of storage media (column 14, lines 26-29, Shannon).

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12. Claims 4-5,16-19,22-23, and 27-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon (US Patent No. 6,233,618) filed March 31, 1998, in view of Dascalu (US Patent No. 5,958,015) filed October 29, 1996, and further in view of Brandt (US Patent No. 5,892,905) filed December 23, 1996.

Regarding Claims 4 and 22, the combination of Shannon in view of Dascalu, disclose all of the claimed subject matter as stated above. However, the combination of Shannon in view of Dascalu, are silent with respect to the content being searched when the client device is disconnected from the network. On the other hand, Brandt discloses the content being searched when the client device is disconnected from the network (column 17, lines 46-50, Brandt). Shannon, Dascalu, and Brandt, are analogous art because they are from the same field of endeavor of access control of networked data. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Brandt's teachings into the Shannon in view of Dascalu system. A skilled artisan would have been motivated to combine as suggested by Brandt at column 17, lines 51-55, in order to stay consistent with the maintenance on a system, as well as ensuring reliability without undue disruption.

Regarding Claims 5 and 23, the combination of Shannon in view of Dascalu, and further in view of Brandt, disclose a method wherein sending a notification comprises:

upon detecting the pre-selected data (column 14, lines 26-29, Shannon),
creating a message containing the notification of the detection of the pre-selected
data (column 4, lines 41-50, Dascalu);

placing the message in a transmission queue (column 4, lines 25-40,
Dascalu); and

transmitting the message to the server after the client device is re-
connected to the server (column 18, lines 24-30, Brandt).

Regarding Claims 16 and 27 the combination of Shannon in view of
Dascalu, and further in view of Brandt, disclose a method wherein the plurality of
data storage media is selected from the group consisting of a main memory
("DRAM"; column 10, lines 8-11, Brandt), a static memory, and a mass storage
memory.

Regarding Claims 17 and 28, the combination of Shannon in view of
Dascalu, and further in view of Brandt, disclose a method wherein searching
contents of a plurality of data storage media comprises:

searching content of each volatile storage device⁴ within the plurality of
data storage media (column 10, lines 53-61, Brandt); and

searching content of each persistent storage device within the plurality of
data storage media (column 10, lines 53-61, Brandt).

⁴ Examiner Notes: The volatile storage device corresponds to DASD (Direct Access Storage Device).

Regarding Claims 18 and 29, the combination of Shannon in view of Dascalu, and further in view of Brandt, disclose a method further comprising detecting use of the pre-selected data by an application⁵ running on the client device (column 6, lines 8-15, Shannon).

Regarding Claims 19 and 30, the combination of Shannon in view of Dascalu, and further in view of Brandt, disclose a method further comprising:
identifying the application using the pre-selected data (column 10, lines 51-59, Shannon); and
reporting the identified application (column 10, lines 59-64, Shannon).

Response to Arguments

Applicant's arguments with respect to newly amended independent claims 1,20,31, and 32 have been considered but are moot in view of the new ground(s) of rejection.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
November 8, 2006



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

⁵ Examiner Notes: The application corresponds to a "network device", which has access to the databases and permits data communication (column 5, lines 12-20, Shannon).